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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/018,954	03/29/2002	Takao Yoshimine	275753US6PCT	5975

22850 7590 12/16/2005

OBLON, SPIVAK, MCCLELLAND, MAIER & NEUSTADT, P.C.  
1940 DUKE STREET  
ALEXANDRIA, VA 22314

EXAMINER
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NGUYEN, LE V

ART UNIT	PAPER NUMBER
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2174

DATE MAILED: 12/16/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)	
	10/018,954	YOSHIMINE, TAKAO	
	Examiner	Art Unit	
	Le Nguyen	2174	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-4 and 6-13 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-4 and 6-13 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)               | Paper No(s)/Mail Date. ____.  |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>12/20/01</u> .  | 6) <input type="checkbox"/> Other: ____.                                    |

### DETAILED ACTION

1. This communication is responsive to an amendment filed 9/16/05.
2. Claims 1-4 and 6-13 are pending in this application; and, claims 1, 9, 10 and 12 are independent claims. Claims 1, 9 and 10 have been amended; claim 5 has been cancelled; and, claims 11-13 have been added.
3. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

### ***Claim Rejections - 35 USC § 103***

4. Claims 1 – 4, 7 – 10 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bourdelais in view of Lin, and further in view of Neven et al. ("Neven").

As per claim 1, Bourdelais teaches a data-providing apparatus for editing image data in response to a demand transmitted from a data-processing apparatus through a network, said data-providing apparatus comprising:

first acquisition means for acquiring a one or more scenarios in response to a demand made by the data-processing apparatus (see figs. 4 and 5; and col. 9, lines 18 - 35);

second acquisition means for acquiring a given number of image data items that will be used in the scenario, in response to a demand made by the data processing apparatus (see fig. 8 and col. 10, lines 24 - 33);

user image-data management means for storing the one or more scenarios and the image data items (see fig. 14; col. 12, lines 31-38);

receiving means for receiving the image data items transmitted to a user (col. 8, lines 12-31);

temporary storage means for temporarily storing edited scenarios and edited image data items (col. 7, lines 33-36; col. 15, lines 6-23);

means for selecting prescribed ones of the image data items acquired by the second acquisition means and for allocating the prescribed image data items to the scenes of the scenario acquired by the first acquisition means (see figs. 8 and 9; and col. 10, lines 14 - 55); and

editing means for editing the image data items that are allocated to the scenes of the acquired scenario (see figs. 9 and 10; and col. 10, line 56 - col. 1, line 20).

Bourdelaïs does not teach user video-data management means wherein each scenario comprising a plurality of scenes that lasts a predetermined time in response to a demand made by the data-processing apparatus. Lin teaches video-data management means wherein an acquisition means for acquiring a scenario comprises a plurality of scenes that lasts a predetermined time in response to a demand made by the data-processing apparatus (Abstract; col. 2, lines 60 – 65). It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the method of Lin with the method of Bourdelaïs in order to allow an improved method of editing multimedia documents.

Bourdelaïs and Lin still do not explicitly disclose image data items being transmitted *by* a user. Neven teaches image data items being transmitted by a user (fig. 7; col. 3, lines 1-10; col. 5, lines 37-48; col. 6, lines 41-57; *users can send and receive various data including video data*). It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the method of Neven with the method of Bourdelaïs and Lin so that users can share data in a collaborative environment.

As per claim 2, the modified Bourdelaïs further teaches the data-providing apparatus according to claim 1, wherein special effects are allocated to the scenes of the acquired scenario, and the apparatus further comprises effect-applying means for applying the special effects to the image data items allocated to the scenes (Bourdelaïs: col. 10, line 13 - 17 and col. 11, lines 21 - 26).

As per claim 3, the modified Bourdelaïs teaches the data-providing apparatus according to claim 2, further comprising transmission control means for controlling the transmission of the image data generated by applying the special effects to the image data items by the effect-applying means (Bourdelaïs: col. 8, lines 9 - 20 and col. 14, lines 22 - 33).

As per claim 4, the modified Bourdelaïs further teaches the data-providing apparatus according to claim 2, further comprising recording control means for controlling the recording of the image data generated by applying the special effects to the image data items by the effect-applying means (Bourdelaïs: col. 14, lines 22 - 33).

As per claim 7, the modified Bourdelais teaches the data-providing apparatus according to claim 1, wherein the second acquisition means acquires the image data items supplied from the data-processing apparatus (Bourdelais: col. 15, lines 6 - 14).

As per claim 8, the modified Bourdelais further teaches the data-providing apparatus according to claim 1, wherein the second acquisition means acquires the image data items supplied from another data-processing apparatus (Bourdelais: col. 8, lines 9 - 20).

As per claims 9, 10 and 12, they are of similar scope to claim 1 and are rejected under the same rationale (see rejection above).

5. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Bourdelais in view of Lin and Neven et al. ("Neven") as applied to claim 1, and further in view of Davis et al. ("Davis").

As per claim 6, the modified Bourdelais does not teach the data-providing apparatus according to claim 5, wherein a plurality of music items are allocated to the one or more scenarios. Davis teaching comprises a plurality of music items being allocated to one or more scenarios (col. 4, lines 34 - 40). It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the method of Davis with the method of the modified Bourdelais in order to provide an improved method for creation of a multimedia file.

6. Claims 11 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bourdelais in view of Lin and Neven et al. ("Neven") as applied to claims 1 and 12, and further in view of Ubillos.

As per claim 11, although the modified Bourdelais further teaches the data-providing apparatus according to claim 1, wherein the editing means is capable of editing the image data items (Bourdelais: col. 7, lines 33-36; col. 15, lines 6-23; Neven: col. 6, lines 55-57) transmitted by the user and received by the receiving means (Neven: fig. 7; col. 3, lines 1-10; col. 5, lines 37-48; col. 6, lines 41-57), with the one or more scenarios and the image data items stored at the user video-data management means (Bourdelais: see fig. 14; col. 12, lines 31-38; col. 7, lines 33-36), the modified Bourdelais does not explicitly disclose editing image data items together. Ubillos teaches editing image data items together (figs. 2, 4 and 5; col. 5, line 30 through col. 6, line 23; col. 6, lines 63-66). It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the method of Ubillos with the method of the modified Bourdelais in order to combine related clips.

As per claim 13, it is of similar scope to claim 11 and is rejected under the same rationale (see rejection above).

### ***Response to Arguments***

7. Applicant's arguments with respect to claims 1-4 and 6-13 have been considered but are moot in view of the new ground(s) of rejection.

***Inquires***

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Examiner Lê Nguyen whose telephone number is **(571) 272-4068**. The examiner can normally be reached on Monday - Friday from 7:00 am to 3:30 pm (EST).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kristine Kincaid, can be reached on (571) 272-4063.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

LVN  
Patent Examiner  
December 9, 2005

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